

### **REMARKS**

Claims 20, 22, 26-28 and 32-36 remain in this application. Claims 1-19, 21, 23-25 and 29-30 have been canceled. Claim 20 is amended. The Examiner has acknowledged that claim 31 is directed to allowable subject matter. No new matter is added by the amendments.

Support for the amendments is found throughout the specification, such as at least in Figure 13A, Example 9 and page 90, lines 3-5.

In view of the Examiner's earlier restriction requirement, applicant retains the right to present withdrawn, cancelled and unclaimed subject matter in continuing prosecution.

#### **Rejection Under 35 U.S.C. § 102(e) (cited references)**

Claims 20, 22, 26-28 and 32-36 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Sims *et al.*, now U.S. Patent now U.S.P. 7,033,783, which claims priority to USSN 60/112,163, filed December 14, 1998.

Applicants respectfully submit that Sims *et al.* does not enable or describe fragments of the claimed sequence that bind to an IL-18R ECD, but not an IL-1R ECD that consist of residues 37-203 of Figure 2 (SEQ ID NO:5).

Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 20, 22, 26-28 and 32-36 under 35 U.S.C. § 102(e).

Appl. No.: 09/869,566  
Amend. dated: July 23, 2008  
Response to Office Action mailed on: January 24, 2008

Patent Docket: P2534-3

**SUMMARY**

Claims 20, 22, 26-28 and 32-36 are pending in the application.

If in the opinion of the Examiner, a **telephone conference** would expedite the prosecution of the subject application, the Examiner is **strongly encouraged** to call the undersigned at the number indicated below.

This response/amendment is submitted with a transmittal letter and petition for a three-month extension of time and fees. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
GENENTECH, INC.

Date: July 23, 2008

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